

REMARKS

By this amendment, no claims have been amended, added, or cancelled. Hence, Claims 1-70 are pending in the application.

FILED IDS HAVE NOT BEEN ACKNOWLEDGED

The Applicants have filed Information Disclosure Statement (individually a "IDS") on September 17, 2003. However, the Applicants have not yet received an initialed form PTO-1449 acknowledging the receipt and consideration of page 1 of that IDS, which is attached to this response as a convenience for the Examiner. The Applicants respectfully request receipt of an initialed form PTO-1449 acknowledging the receipt and consideration of page 1 of the IDS of September 17, 2003.

SUMMARY OF THE REJECTIONS

Claims 1-21, 25-34, 36-56, and 60-69 were rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent No. 6,842,782 issued to Malik et al. ("*Malik*"). Claims 22-24, 35, 57-59, and 70 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Malik* in view of U.S. Patent No. 6,094,680 by Hokanson et al. ("*Hokanson*").

The rejections are respectfully traversed.

CLAIM 1 IS PATENTABLE OVER THE CITED ART

Claim 1 features the elements of:

“a first party managing one or more database systems;
a plurality of second parties subscribing to database services supported by the
one or more database systems managed by the first party, wherein the

database services include services for storing and managing data provided by the second parties; and
providing, over the network, to database applications controlled by the second parties, access to the database services to which the second parties are subscribed,
wherein **the database applications, controlled by the second parties, interact with the database systems managed by the first party by sending, from the second parties, to the database systems, over the network, database commands that conform to the database language supported by the database system,**
wherein execution of the database commands allows the second parties to manipulate data objects stored within at least one of the one or more database systems, and
where **the second parties control the source code of the database applications that the second parties use to send database commands to the database systems managed by the first parties.**” (emphasis added)

At least the above-bolded features of Claim 1 are not disclosed, taught, or suggested by *Malik*.

Claim 1 is directed towards provisioning databases for users on a network. In the approach of Claim 1, a first party manages one or more database systems. A plurality of second parties subscribe to database services supported by the one or more database systems being managed by the first party. The database services include services for storing and managing data provided by the second parties. Database applications controlled by the second parties are provided access to the database services to which the second parties are subscribed. **The second parties control the source code of the database applications that the second parties use to send database commands to the database systems managed by the first parties. The database applications interact with the database systems managed by the first party by sending, to the database systems, database commands that conform to the database language supported by the database system.** When the database commands are executed by the first party, the second parties may manipulate data objects stored within at least one of the one or more database systems. Significantly, such an approach allows the second parties to

avoid the cost and frustration of managing and maintaining a database system, while still providing to the second parties the ability to store data in a database system managed by the first party, and to manipulate data objects stored within a database system managed by the first party.

On the other hand, *Malik* is directed towards an approach for offering cobranded services over the World Wide Web. According to *Malik*, an Internet Service Provider (ISP) 15 maintains a server 31 and a mass storage repository 29 (Col. 6, lines 20-50; FIG. 1). The mass storage repository 29 is accessed by the ISP 15 using server 31. Server 31 executes Portal Software 35, which provides the cobranded services collectively denoted by *Malik* as a “Password-All suite.” Users of the Password-All suite may use an apparatus 17 executing a web browser to access the Password-All suite (Col. 8, 27-29; Col. 4, lines 16-17). For example, FIG. 2 depicts an illustrative web page that may be used to access the Password-All suite.

Significantly, in the approach of *Malik*, users of the Password-All suite interact with the Password-All suite using a web browser. Consequently, users of the Password-All suite do not send database commands to any database system, but instead, issue commands through a web page (“web commands”). When server 31 processes a received web command, server 31 may interpret the web command, and thereafter perform some functionality in response to receiving the web command, e.g., server 31 may cause a database command to be executed against mass storage device 31. However, sending a web command is not analogous to sending a database command because a web command does not conform to the database language supported by the database system. Further, the source code of Password-All suite is controlled by the ISP 15, and not by users of the Password-All suite. As a result, numerous elements recited in Claim 1 are not disclosed, taught, or suggested by *Malik*.

For example, Claim 1 features the element of “wherein the database applications, controlled by the second parties, interact with the database systems managed by the first party by sending, to the database systems, database commands that conform to the database language supported by the database system.” The position of the Office Action requires that the ISP 15 be analogous to the first party as claimed, and the users of apparatus 17 be analogous to the second parties as claimed. Thus, to show this element, *Malik* would have to teach the users of apparatus 17 interacting with a database system managed by the ISP 15 by sending, to the database systems, database commands that conform to the database language supported by the database system. However, no portion of *Malik* teaches or suggests such activity. Instead, users of apparatus 17 issue web commands to the ISP 15, e.g., *Malik* teaches, “In all aspects, the software tool [the Password-All suite] is accessible through a network-browser application” (Col. 4, lines 16-17).

The portion of *Malik* cited to show this element (Col. 7, lines 3-18; Col. 6, lines 6-59; Col. 7, lines 5-59; Col. 8, lines 3-49; Col. 15, lines 22-38; Col. 8, lines 1-2; Col. 15, line 1 – Col. 16, line 26) and the accompanying remarks do not clearly identify what portion of *Malik* is allegedly analogous to this element, as the rejection appears to simultaneously require the database application as claimed to be analogous to an (a) editing facility, and (b) control panel 117. However, in either case, the user of apparatus 17 is using a web browser to send web commands to ISP 15. A web command cannot qualify as a database command as claimed because a web command does not conform to the database language supported by a database system. As a result, it is respectfully submitted that this element is not disclosed, taught, or suggested by *Malik*. If the Office disagrees, the Office is invited to more particularly identify what portions of *Malik* are allegedly analogous to (a) the database application, (b) the database

system, and (c) the action of sending, to the database system, database commands that conform to the database language supported by the database system.

Claim 1 also recites the feature of “wherein the second parties control the source code of the database applications that the second parties use to send database commands to the database systems managed by the first parties.” This feature is not disclosed, taught, or suggested by *Malik*. Assuming that the users of appliance 17 are analogous to a second party as claimed, no portion of *Malik* teaches or suggests that a user of appliance 17 controls the source code of the Password-All suite, let alone controls the source code of a database application that is used to send database commands that conform to the database language supported by the database system to the database systems managed by the first party as claimed.

While the portion of *Malik* cited to show this element does not suggest the concept of source code, the entire disclosure of *Malik* teaches that any software that directly accesses the mass storage repository 29 is controlled by the ISP 15 (for example, see Col. 6, lines 19-38 or FIG. 1, which clearly identifies that the Portal Software 35 executes on server 31 controlled by ISP 15). No portion of *Malik* discusses a user of appliance 17 controlling the source code of any software that may be used to send database commands that conform to the database language supported by the database system to the database systems by the first party. Consequently, this element also cannot be disclosed, taught, or suggested by *Malik*.

As at least one element recited in Claim 1 is not disclosed, taught, or suggested by *Malik*, it is respectfully submitted that Claim 1 is patentable over the cited art and is in condition for allowance.

CLAIMS 2-70 ARE PATENTABLE OVER THE CITED ART

Independent Claim 36 recites features that are similar to those discussed above with respect to Claim 1, except that Claim 36 is recited in computer-readable medium format. Consequently, for at least the reasons given above with respect to Claim 1, it is respectfully submitted that Claim 36 is also patentable over the cited art and is in condition for allowance.

Claims 2-35 and 37-70 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 2-35 and 37-70 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2-35 and 37-70 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

CONCLUSION

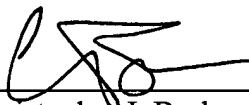
For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



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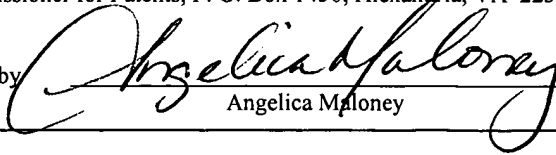
Date: April 28, 2006

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Acknowledgment Receipt



Mailing Date: September 17, 2003

Attorney: BDH/cf:jn

Attorney Docket No. 50277-1511

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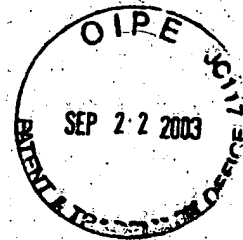
Serial No.: 09/872,235

Inventor(s): Jean-Louis Baffier, et al.

Title: TECHNIQUES FOR AUTOMATICALLY PROVISIONING A DATABASE
OVER A WIDE AREA NETWORK

Documents Enclosed:

- 1) Information Disclosure Statement (3 pgs)
- 2) PTO 1449 (3 pgs)
- 3) 25 References Cited
- 4) Return Acknowledgment Postcard



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In re application of:

Jean-Louis Baffier, et al.

Serial No.: 09/872,235

Filed on: May 31, 2001



) Confirmation No.: 2420

) Examiner: NYA

) Group Art Unit No.: 2171

For: TECHNIQUES FOR AUTOMATICALLY PROVISIONING A DATABASE OVER A
WIDE AREA NETWORK

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

 X 37 C.F.R. §1.97(b).

 37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

 A statement pursuant to 37 C.F.R. §1.97(e)

 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this information disclosure statement.

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

_____ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

_____ 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

_____ A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

_____ A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

_____ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

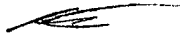
- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: September 15, 2003



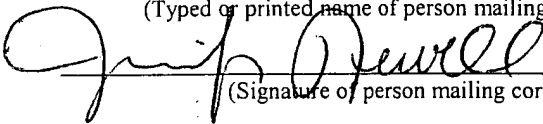
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Jennifer Newell

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(PTO-1449)



ATTY. DOCKET NO.
50277-1511

SERIAL NO.
09/872,235

APPLICANT:
Jean-Louis Baffier et al.

FILING DATE:
May 31, 2001

GROUP:
2171

U.S. PATENT DOCUMENTS

| Exam. Initial* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-------------------|--------------------------|----------------------|--------------------------------------|--|--|--|
| | | Number | Kind Code ² (If known) | | | |
| | | 5,606,693 | | Nilsen et al. | 02-25-1997 | |
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FOREIGN PATENT DOCUMENTS

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|-------------------|--------------------------|-------------------------|---------------------|--------------------------------------|--|---|--|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (If known) | | | | |
| | | EP | 0 274 406 | A2 | Computer X, Inc. | 07-13-1988 | | |
| | | EP | 0 803 808 | A2 | Sun Microsystems, Inc. | 10-29-1997 | | |
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Examiner
Signature

Date Considered

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**INFORMATION DISCLOSURE CITATION
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(PTO-1449)**

ATTY. DOCKET NO.
50277-1511

SERIAL NO.
09/872,235

APPLICANT:
Jean-Louis Baffier et al.

FILING DATE:
May 31, 2001

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U.S. PATENT DOCUMENTS

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|-------------------|--------------------------|----------------------|--------------------------------------|--|--|--|
| | | Number | Kind Code ² (If known) | | | |
| | | 6,341,303 | B1 | Rhee et al. | 01-22-2002 | |
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| Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary) | Attorney Docket No.: 50277-1511 | Application Number: 09/872,235 |
| | First Named Inventor: Jean-Louis Baffier | |
| | Filing Date: May 31, 2001 | |

OTHER ART - NO PATENT LITERATURE DOCUMENTS

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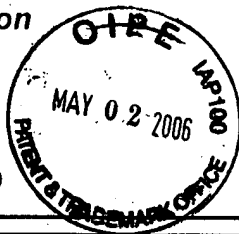
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Application Number 09/872,235

Filing Date May 31, 2001

First Named Inventor Jean-Louis Baffier

Art Unit 2167

Examiner Name Miranda Le

Attorney Docket Number 50277-1511

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Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

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Name

Christopher J. Brokaw

Date July 20, 2005

Telephone (408) 414-1225

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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*Total of 1 forms are submitted.

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